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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,180	03/31/2000	Sung-Hwa Gong	678-458 (P8993)	2621
7	7590 07/16/2003			
Paul J Farrell			EXAMINER	
	ngton Boulevard	LELE, TANMAY S		
Uniondale, NY	7 11553		ART UNIT	PAPER NUMBER
			2684	7
			DATE MAILED: 07/16/2003	0

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
Office Action Summers	09/540,180	GONG, SUNG-HWA				
Office Action Summary	Examiner	Art Unit				
The MAIL INC DATE of the	Tanmay S Lele	2684				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet v	vith the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	36(a). In no event, however, may a within the statutory minimum of thi vill apply and will expire SIX (6) MO cause the application to become A	reply be timely filed rty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. 6.133)				
1) Responsive to communication(s) filed on <u>07 h</u>	<u>flay 2003</u> .					
2a)⊠ This action is FINAL . 2b)□ Thi	s action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims						
4)⊠ Claim(s) 40 and 41 is/are pending in the applic	eation					
4a) Of the above claim(s) 1-39 is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.	morn consideration.					
6)⊠ Claim(s) <u>40 and 41</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or Application Papers	election requirement.	·				
9) The specification is objected to by the Examiner						
10) ☐ The drawing(s) filed on 31 March 2000 is/are: a)		ted to by the Evaminer				
	-	•				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a)⊠ All b)□ Some * c)□ None of:						
1. Certified copies of the priority documents	have been received.					
2. Certified copies of the priority documents	have been received in A	Application No				
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
14) Acknowledgment is made of a claim for domestic	priority under 35 U.S.C.	§ 119(e) (to a provisional application).				
a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)				
6. Patent and Trademark Office TO-326 (Rev. 04-01) Office Acti	on Summary	Part of Paper No. 8				

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Response to Arguments

1. Applicant's arguments with respect to claims 40 and 41 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (Mitchell, US Patent 5,966,671) in view of Seymour (Seymour, US Patent No. 6,529,713).

Regarding claim 40, Mitchell teaches of a method for using a multi-function key with a protrusion adapted to slide in a first direction and a second direction substantially opposite to the first direction, and be pressed in a third direction substantially perpendicular to the first direction (as seen in Figure 3 and column 3, lines 8 – 25), a display for displaying digits/characters, (as seen in Figure 2 and column 2, lines 55 – 65) and at least one hierarchal menu for selecting various functions (column 2, lines 18 – 30), comprising the steps of generating at least one input signal by performing at least one of the following multi function key manipulations: a) pressing the protrusion of the multi-function key at least once; b) sliding the protrusion of the multi-function key in the second direction (as seen in Figure 3 and starting column 2, line 66 and ending column 3, line 25

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and column 2, lines 1-12), wherein the at least one input signal is used to performing at least one of a) navigating through the at least one hierarchal menu, b) selecting a function, and c) inputting digits/characters (column 2, lines 18-30 and column 7 lines 9-17 and Table 2, abd column 8, lines 61-67).

Mitchell does not specifically teach of in a watch-type portable phone or the watch-type portable phone having the multi-function key (though it should be noted that Mitchell's invention deals with reduction of size of the mobile though the use of a smart button as detailed in, for example, starting column 1, line 66 and ending column 2, line 12).

In a related art dealing with the carrying of small mobile, Seymour teaches of a watch-type portable phone or the watch-type portable phone (column 1, lines 5 - 14 and Figures 1 - 6).

It would have been obvious to one skilled in the art at the time of invention to have included into Mitchell's multi-function smart button, Seymour's wearable wrist watch configuration, for the purposes of carrying the reduced size mobile and conveniently using the mobile in such a position, as taught by Seymour.

Regarding claim 41, Mitchell in view of Seymour teach all the claimed limitations as recited in claim 40. Mitchell further teaches of wherein a first navigating, selecting or inputting is performed if the manipulation is performed for a short duration (as seen in Figure 6 and column 2, lines 13 - 18 and column 4, lines 55 - 62), and a second navigating, selecting or inputting is performed if the manipulation is performed for a long duration (as seen in Figure 6 and column 2, lines 13 - 18 and column 4, lines 34 - 43 and column 4, lines 55 - 62).

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Citation of Pertinent Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Inventor	Publication	Number	Disclosure	
Firooz	US Patent	6,035,035	Wrist Mounted Telephone	
			Device	

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Tanmay S Lele Examiner Art Unit 2684

tsl July 2, 2003 NAY MAUNG PRIMARY EXAMINER